

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES MEETING AND PUBLIC HEARING
HELD TUESDAY, SEPTEMBER 7, 2004
PAGE 1 OF 18

UNAPPROVED

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MICHIGAN 48042

PRESENT: EDWARD GALLAGHER, CHAIRMAN
MICHAEL D. KOEHS, SECRETARY
MEMBERS: DEAN AUSILIO
ROGER KRZEMINSKI
KENNETH MEERSCHAERT, SR.
JOA PENZIEN
ARNOLD THOEL

ABSENT: NONE

ALSO PRESENT: Larry Dloski, Township Attorney
Jerome R. Schmeiser, Community Planning Consultant
(Additional attendance on file with Clerk)

Call Meeting to Order

Chairman GALLAGHER called the meeting to order at 7:00 p.m.

Pledge of Allegiance

1. Roll Call

Clerk KOEHS called the Roll. All members present.

2. Approval of Agenda Items. (*With any corrections*)

MOTION by PENZIEN seconded by AUSILIO to approve the amended agenda as submitted.

MOTION carried.

3. Approval of the August 17, 2004 previous Meeting Minutes.

MOTION by KRZEMINSKI seconded by AUSILIO to approve the August 17, 2004 previous Meeting Minutes as submitted.

MOTION carried.

4. Consent Agenda Items:

1. To Approve Extension of Time; Technical Change and Site Plan; M-59/Romeo Plank Commercial Condo Development; Located on the Northeast corner of Hall Road and Romeo Plank Road (Excluding the immediate corner) American Land Inc., Petitioner. Permanent Parcel No. 08-33-353-002. *(Expires July 20, 2005) extend for one year.*

MOTION by AUSILIO seconded by PENZIEN to approve the consent agenda item; The extension of time request for one year to expire July 20, 2006 for the Technical Change and Site Plan; M-59/Romeo Plank Commercial Condo Development; Permanent Parcel No. 08-33-353-002.

MOTION carried.

AGENDA ITEMS:

5. Rezoning Request; Agricultural (A-G) to Residential One Family Urban (R-1); Located on the north side of 22 Mile Road, approximately ½ mile east of Hayes Road; Excel Property Co., LLC, Petitioner. Permanent Parcel No. 08-19-400-001. *(Tabled at the Planning Commission Meeting of July 20, 2004)*

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for denial.

Petitioner Present: David Barbour

Mr. Barbour reviewed the proposal and recommended that the Board consider rezoning the property. The Members of the Board, Planning Consultant and Township Attorney reviewed the request.

Public Portion: None

MOTION by AUSILIO seconded by THOEL to forward the recommendation to the Township Board of Trustees to deny the Rezoning Request; Agricultural (A-G) to Residential One Family Urban (R-1); Permanent Parcel No. 08-19-400-001. This motion is based on the Planning Consultants recommendations as follows:

1. **The proposed rezoning is inconsistent with the goals of the Master Plan.**
2. **The tract to the north and west, the former Berz-Macomb Airport that was litigated and as noted in the Planning Consultants findings, left unzoned by the ruling of the Macomb County Circuit Court, remains under appeal by the Township. The Township's position in an appeal remains that the**

former airport site is more appropriate for industrial than residential land use.

The Township has consistently maintained the position since the first Township master plan was adopted in 1972. To reverse that position flies in the face of long-range planning conducted by the Township since 1969.

MOTION carried.

6. Special Land Use for Satellite Dishes; Telesat Canada; Located on the South side of Leone Drive; East of industrial Drive; Bryan Herman, Petitioner. Permanent Parcel Number 08-18-326-026 (*Tabled for 30 days at the Planning Meeting of August 2, 2004*)

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Bryan Herman

The Members of the Board held further discussion reviewing the request with the petitioner.

Public Portion: None

MOTION by KRZEMINSKI seconded by THOEL to approve the Special Land Use for two (2) Satellite Dishes; Telesat Canada; Permanent Parcel Number 08-18-326-026. This motion is based on the Planning Consultants recommendations as follows:

It is recommended that the special land use permit be approved for two satellite dishes, the proposed use complies with the standards set forth in Section 10.2401(B)(5)(a), as follows:

1. **The proposed Special Land Use is of such location, size and character that it will be harmonious with the appropriate and orderly development of the surrounding neighborhood and/or vicinity, and shall be in compliance with the applicable regulations of the zoning district in which it is to be located.**
2. **The proposed use shall be of such nature that vehicular and pedestrian traffic shall not be more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow; proximity and relationship to intersections, adequacy of sight distances; location and access of off-street parking; and provisions for pedestrian traffic, with particular attention paid to minimizing child-vehicle**

- interfacing. As noted above, the two towers will be situated in a fenced area located behind the building.
3. The proposed use is designed, with respect to the location, size, and intensity, site layout and periods of operation of any such proposed use, to eliminate any possible nuisance emanating therefrom which might be noxious whether by reason of dust, noise, fumes, vibration, smoke or lights to others.
 4. The proposed towers are such that it will not interfere with or discourage the appropriate development and use of adjacent land and buildings, or unreasonably affect the value of the land and/or buildings.
 5. The proposed use relates harmoniously with the physical and economic aspects of adjacent land uses with regard to prevailing convenience of access by tower maintenance personnel, continuity of development, and need for particular services and facilities in specific areas of the Township.
 6. The proposed use is necessary for the public convenience at the proposed location.
 7. The proposed use is so designed, located and planned, and shall be operated in such a manner that the public health, safety and welfare will be protected.
 8. The proposed use will not be detrimental or injurious to the neighborhood within which it is to be located, nor shall such use operate as a deterrent to future land uses permitted within said zoning district, and such use shall be in harmony with the general purpose and intent of the Zoning Ordinance.

MOTION carried.

7. Site Plan; Telesat Canada; Located on the South side of Leone Drive; East of industrial Drive; Bryan Herman, Petitioner. Permanent Parcel Number 08-18-326-026 (*Tabled for 30 days at the Planning Meeting of August 2, 2004*)

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Bryan Herman

The Members of the Board held further discussion reviewing the request with the petitioner.

Public Portion: None

MOTION by KRZEMINSKI seconded by THOEL to approve the Site Plan; Telesat Canada; Permanent Parcel Number 08-18-326-026. This motion is based on the Planning Consultants recommendations as follows:

- 1. The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.**
- 2. The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.**
- 3. The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.**
- 4. The curb radii, curb cuts, including their location, deceleration lanes, by pass lanes and other geometrics and designs, are subject to approval by the County Road Commission, Michigan Department of Transportation, and the Township Engineer.**
- 5. Sidewalks to be provided to the satisfaction of the Township Engineer.**
- 6. Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.**
- 7. That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall and be secured with screened gates. All walls to be constructed with a masonry pointed cap, the angle of the pointed cap to be 45 degrees. If additional dumpsters are to be located on the site, each must be enclosed in like manner.**
- 8. An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of**

- site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department.
9. That handicap parking be provided per the requirements of the State and the ADA (American Disabilities Act).
 10. That all signs be designated on the site plan and meet the Township requirements.
 11. That the petitioner meet with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building limitations.
 12. MDEQ- That specific conditions and approvals regarding changes to the 100 year flood plain be done so with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment on the flood plain map as prepared by FEMA, prior to the issuance of any building permits.
 13. That any required walls or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a masonry pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The "hung" type wall, that is with panels on channeled pillars, shall not be allowed.
 14. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain office.
 15. That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township Supervisor's Office. Addresses are assigned after site plan approval. The petitioner must coordinate said street names with the Macomb Township Supervisor's office and submit two (2) plans on 11" x 17" paper.
 16. That any future splitting and/or division of any portion of the property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.

- 17. That the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.**
- 18. That in the case of commercial zones that outdoor storage and display of merchandise is prohibited. Minor day to day, in and out display may be permitted when kept behind all established yard setback lines.**
- 19. That all requirements of the Zoning Ordinance be met.**
- 20. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.**
- 21. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture. Further, that the plan provide that no lights or glare from lights will shine into the abutting residential areas.**
- 22. The site plan be revised to show dimensions for the dumpster area, parking, and maneuvering lanes.**

MOTION carried.

8. Final Preliminary Plat; Parkview Estates Subdivision (24 lots); Located east of Card Road, approximately ¼ mile south of 23 Mile Road; GTR Builders, Inc., Petitioner. Permanent Parcel No. 08-23-100-030

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Chris Cousino

Public Portion: A Township resident expressed her concerns regarding posting no construction traffic signage in front of Parkview Commons Subdivision.

Member THOEL discussed with the petitioner the requirements involved with FEMA applications and the restrictive covenants for proposed property.

Member THOEL recommended that the restrictive covenants include the location of Consumer Powers Energy Easement along with the gas line areas traversing lots 8, 9, 12, 13, the park area and Evanston Lane, and that no construction be done in the areas described without expressed approval from Consumers Energy. Mr. Cousino, stated this easement (*Consumer's Power Energy Easement*) will be indicated on the plat as a recorded Liber and Page. And along with that are the restrictions that Detroit Edison has

as far as any type of the owners wanting to do work within that easement. Further certainly the easement (*Consumer's Power Energy Easement*) could be put into the restrictive covenants identifying those lots. Clerk KOEHS reviewed the plans involving construction traffic through the Rivers Estates keeping the construction traffic out of Parkview Commons.

MOTION by AUSILIO seconded by KOEHS to forward the recommendation to the Township Board of Trustees to approve the Final Preliminary Plat; Parkview Estates Subdivision (24 lots); with the added caveat that signage for "No Construction Traffic" be posted for the Parkview Commons Subdivision and that the Restrictive Covenants include the location of Consumer Powers Energy Easement along with the gas line areas traversing lots 8, 9, 12, 13, the park area and Evanston Lane. Further that no construction be done in the areas described without expressed approval from Consumers Energy. Permanent Parcel No. 08-23-100-030. This motion is based on the Planning Consultants recommendations as follows:

1. The petitioner submits evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulations:
 - a. Macomb County Road Commission
 - b. Office of Public Works Commission of Macomb County
 - c. Macomb County Health Department
 - d. Macomb County Planning Commission
 - e. Michigan Department of Environmental Quality
 - f. All public utility companies affected.
 - g. That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer. Also, that any connecting sidewalk tying the plat to any public street be installed by the petitioner.
2. The Township Engineer approves all engineering plans for the computed plat.
3. That any detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.
4. Further, that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval have been incorporated into the Final Preliminary Plat.
5. That all lots within the Final Preliminary Plat meet the requirements of the Township Zoning Ordinances.

6. **Flood Plain Map Amendments and or Requirements.** Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.
7. That all public street drain crossings within the boundaries of the Final Preliminary Plat shall be provided with public sidewalks on both sides of the street and installed in accordance with 17-145 (10) of the Macomb Township Code.
8. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.
9. That the 'landscape easement'; that area labeled on the plat as, "The entire common area is subject to a private easement dedicated to the ownership association for landscaping" has been completed in accordance with the approved landscaping plan, inspections completed to the satisfaction of the Township and the bond posted for the development of this easement released. If the bond has not been released the owner of the subdivision is placed on notice that no building permits may be issued until the landscape easement has been developed in accordance with the approved landscaping plan and the bond released by the Township Board.
10. That the final preliminary approval expires two years from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Application for extension must be received by this office prior to the expiration date.
11. All street names are cleared by the Township Supervisor for purposes of continuity prior to preparation of the final plat. That the petitioner submits two (2) copies of the plat to the Supervisors office for addressing. Addresses will be assigned after Final Preliminary Plat approval by the Township Board.
12. That the temporary street name posts be installed upon completion of the paving. The posts as indicated by the Fire Department are to be 4" x 4" black posts with two inch white letter so that the street can be easily identified during the construction of the plat.

13. That the restrictive covenants that will be recorded as part of this plat, have been approved by the Township Attorney. The 'Restrictive Covenants' must be approved by the Township Attorney before an application will be received for Final Plat.
14. That the articles of Incorporation for the Homeowners' Association for the subdivision have been approved by the Township Attorney. The 'Articles of Incorporation' must be approved by the Township Attorney before an application will be received for Final Plat.
15. That the developer shall be responsible for having the Contract between Detroit Edison and Macomb Township executed and must establish the corresponding SAD for lamp charges. These items must be completed prior to the Developer applying for approval of the Final Plat.
16. That "No Construction Traffic" signs be erected in front of Parkview Commons after the approval by the Township Board of Trustees.
17. That the Restrictive Covenants shall include notice that lots 8,9,12 and 13 are affected by the Consumer gas main easement.

MOTION carried.

9. Final Preliminary Plat; Brook Run South Subdivision (14 lots); Located on the south side of 22 Mile Road and east of Romeo Plank Road; GTR Builders, Petitioner. Permanent Parcel No. 08-28-101-011.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Chris Cousino

Public Portion: Township residents expressed their concerns regarding flooding concerns.

The Members of the Board held further discussion with the petitioner and Township Attorney addressing the residents concerns.

MOTION by KRZEMINSKI seconded by MEERSCHAERT to forward the recommendation to the Township Board of Trustees to approve the Final Preliminary Plat; Brook Run South Subdivision (14 lots); Permanent Parcel No. 08-28-101-011. This motion is based on the Planning Consultants recommendations as follows:

1. The petitioner submits evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulations:
 - a. Macomb County Road Commission
 - b. Office of Public Works Commission of Macomb County
 - c. Macomb County Health Department
 - d. Macomb County Planning Commission
 - e. Michigan Department of Environmental Quality
 - f. All public utility companies affected.
 - g. That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer. Also, that any connecting sidewalk tying the plat to any public street be installed by the petitioner.
2. The Township Engineer approves all engineering plans for the computed plat.
3. That any detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.
4. Further, that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval have been incorporated into the Final Preliminary Plat.
5. That all lots within the Final Preliminary Plat meet the requirements of the Township Zoning Ordinances.
6. Flood Plain Map Amendments and or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.
7. That all public street drain crossings within the boundaries of the Final Preliminary Plat shall be provided with public sidewalks on both sides of the street and installed in accordance with 17-145 (10) of the Macomb Township Code.
8. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in

- connection with this plat are true and accurate as they provide the basis for this recommendation.
9. That the 'landscape easement'; that area labeled on the plat as, "The entire common area is subject to a private easement dedicated to the ownership association for landscaping" has been completed in accordance with the approved landscaping plan, inspections completed to the satisfaction of the Township and the bond posted for the development of this easement released. If the bond has not been released the owner of the subdivision is placed on notice that no building permits may be issued until the landscape easement has been developed in accordance with the approved landscaping plan and the bond released by the Township Board.
 10. That the final preliminary approval expires two years from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Application for extension must be received by this office prior to the expiration date.
 11. All street names are cleared by the Township Supervisor for purposes of continuity prior to preparation of the final plat. That the petitioner submits two (2) copies of the plat to the Supervisors office for addressing. Addresses will be assigned after Final Preliminary Plat approval by the Township Board.
 12. That the temporary street name posts be installed upon completion of the paving. The posts as indicated by the Fire Department are to be 4" x 4" black posts with two inch white letter so that the street can be easily identified during the construction of the plat.
 13. That the Restrictive Covenants that will be recorded as part of this plat, have been approved by the Township Attorney. The 'Restrictive Covenants' must be approved by the Township Attorney before an application will be received for Final Plat.
 14. That the Articles of Incorporation for the Homeowners' Association for the subdivision have been approved by the Township Attorney. The 'Articles of Incorporation' must be approved by the Township Attorney before an application will be received for Final Plat.
 15. That the developer shall be responsible for having the Contract between Detroit Edison and Macomb Township executed and must establish the corresponding SAD for lamp charges. These items must be completed prior to the Developer applying for approval of the Final Plat.

MOTION carried.

10. Final Preliminary Plat; Wolverine Country Club (191 lots) Phase 1; Located on the north side of 25 Mile Road between Romeo Plank Road and Luchtman Road; Wolverine 25 Mile, LLC, Petitioner. Permanent Parcel No. 08-05-400-028

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: John Cavaliere

Public Portion: Township residents voiced their concerns regarding additional access areas, drain issues, flooding concerns, stub streets, phasing plans, retention basin concerns, paving time frame, development process and Consumers Energy property north of the proposed development.

The Members of the Board held further discussion along with the petitioner addressing the residents concerns.

MOTION by KOEHS seconded by AUSILIO to forward the recommendation to the Township Board of Trustees to approve the Final Preliminary Plat; Wolverine Country Club (191 lots); Phase 1; Permanent Parcel No. 08-05-400-028. This motion is based on the Planning Consultants recommendations as follows:

1. The petitioner submits evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulations:
 - a. Macomb County Road Commission
 - b. Office of Public Works Commission of Macomb County
 - c. Macomb County Health Department
 - d. Macomb County Planning Commission
 - e. Michigan Department of Environmental Quality
 - f. All public utility companies affected.
 - g. That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer. Also, that any connecting sidewalk tying the plat to any public street be installed by the petitioner.
2. The Township Engineer approves all engineering plans for the computed plat.
3. That any detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.

4. Further, that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval have been incorporated into the Final Preliminary Plat.
5. That all lots within the Final Preliminary Plat meet the requirements of the Township Zoning Ordinances.
6. Flood Plain Map Amendments and or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.
7. That all public street drain crossings within the boundaries of the Final Preliminary Plat shall be provided with public sidewalks on both sides of the street and installed in accordance with 17-145 (10) of the Macomb Township Code.
8. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.
9. That the 'landscape easement'; that area labeled on the plat as, "The entire common area is subject to a private easement dedicated to the ownership association for landscaping" has been completed in accordance with the approved landscaping plan, inspections completed to the satisfaction of the Township and the bond posted for the development of this easement released. If the bond has not been released the owner of the subdivision is placed on notice that no building permits may be issued until the landscape easement has been developed in accordance with the approved landscaping plan and the bond released by the Township Board.
10. That the final preliminary approval expires two years from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Application for extension must be received by this office prior to the expiration date.
11. All street names are cleared by the Township Supervisor for purposes of continuity prior to preparation of the final plat. That the petitioner submits

- two (2) copies of the plat to the Supervisors office for addressing. Addresses will be assigned after Final Preliminary Plat approval by the Township Board.
12. That the temporary street name posts be installed upon completion of the paving. The posts as indicated by the Fire Department are to be 4" x 4" black posts with two inch white letter so that the street can be easily identified during the construction of the plat.
 13. That the Restrictive Covenants that will be recorded as part of this plat, have been approved by the Township Attorney. The 'Restrictive Covenants' must be approved by the Township Attorney before an application will be received for Final Plat.
 14. That the Articles of Incorporation for the Homeowners' Association for the subdivision have been approved by the Township Attorney. The 'Articles of Incorporation' must be approved by the Township Attorney before an application will be received for Final Plat.
 15. That the developer shall be responsible for having the Contract between Detroit Edison and Macomb Township executed and must establish the corresponding SAD for lamp charges. These items must be completed prior to the Developer applying for approval of the Final Plat.

MOTION carried.

11. Final Preliminary Plat; Margherita Estates Subdivision (23 lots); Located on the west side of Card Road and approximately ¼ mile north of 22 Mile Road; Ciro Vitale, Petitioner. Permanent Parcel No. 08-22-400-014.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Daryl Gapshes

Clerk KOEHS addressed his concerns regarding the maintenance for the property east of lot 9. Mr. Gapshes stated the petitioner Mr. Vitale has agreed to maintain the property. Clerk KOEHS questioned who will maintain the area if Mr. Vitale decides to move. Larry Dloski, Township Attorney, suggested that the maintenance obligation for that strip of grass along the south side of Emanuel Drive be in the restrictive covenants.

Member THOEL discussed with the petitioner FEMA and DEQ applications/permits required with the property in question.

Public Portion: None

MOTION by KOEHS seconded by MEERSCHAERT to forward the recommendation to the Township Board of Trustees to approve the Final Preliminary Plat; Margherita Estates Subdivision (23 lots); conditioned on the required documents being presented Permanent Parcel No. 08-22-400-014. This motion is based on the Planning Consultants recommendations as follows:

- 1. The petitioner submits evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulations:**
 - a. Macomb County Road Commission**
 - b. Office of Public Works Commission of Macomb County**
 - c. Macomb County Health Department**
 - d. Macomb County Planning Commission**
 - e. Michigan Department of Environmental Quality**
 - f. All public utility companies affected.**
 - g. That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer. Also, that any connecting sidewalk tying the plat to any public street be installed by the petitioner.**
- 2. The Township Engineer approves all engineering plans for the computed plat.**
- 3. That any detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.**
- 4. Further, that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval have been incorporated into the Final Preliminary Plat.**
- 5. That all lots within the Final Preliminary Plat meet the requirements of the Township Zoning Ordinances.**
- 6. Flood Plain Map Amendments and or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.**
- 7. That all public street drain crossings within the boundaries of the Final Preliminary Plat shall be provided with public sidewalks on both sides of the**

street and installed in accordance with 17-145 (10) of the Macomb Township Code.

8. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.
9. That the 'landscape easement'; that area labeled on the plat as, "The entire common area is subject to a private easement dedicated to the ownership association for landscaping" has been completed in accordance with the approved landscaping plan, inspections completed to the satisfaction of the Township and the bond posted for the development of this easement released. If the bond has not been released the owner of the subdivision is placed on notice that no building permits may be issued until the landscape easement has been developed in accordance with the approved landscaping plan and the bond released by the Township Board.
10. That the final preliminary approval expires two years from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Application for extension must be received by this office prior to the expiration date.
11. All street names are cleared by the Township Supervisor for purposes of continuity prior to preparation of the final plat. That the petitioner submits two (2) copies of the plat to the Supervisors office for addressing. Addresses will be assigned after Final Preliminary Plat approval by the Township Board.
12. That the temporary street name posts be installed upon completion of the paving. The posts as indicated by the Fire Department are to be 4" x 4" black posts with two inch white letter so that the street can be easily identified during the construction of the plat.
13. That the restrictive covenants that will be recorded as part of this plat, have been approved by the Township Attorney. The 'Restrictive Covenants' must be approved by the Township Attorney before an application will be received for Final Plat.
14. That the articles of Incorporation for the Homeowners' Association for the subdivision have been approved by the Township Attorney. The 'Articles of Incorporation' must be approved by the Township Attorney before an application will be received for Final Plat.

15. That the developer shall be responsible for having the Contract between Detroit Edison and Macomb Township executed and must establish the corresponding SAD for lamp charges. These items must be completed prior to the Developer applying for approval of the Final Plat.
16. That the building envelope for Lot 23 be revised indicating compliance with the zoning ordinance.

MOTION carried.

12. Motion to receive and file all correspondence in connection with this agenda.

MOTION by AUSILIO seconded by MEERSCHAERT to receive and file all correspondence in connection with this agenda.

MOTION carried.

PLANNING CONSULTANTS COMMENTS: None

PLANNING COMMISSION COMMENTS: None

ADJOURNMENT:

MOTION by AUSILIO seconded by KOEHS to adjourn the meeting at 8:32 p.m.

MOTION carried.

Respectfully submitted,

Edward Gallagher, Chairman

Michael D. Koehs, CMC
Macomb Township Clerk
MDK/gmb